

REMARKS

Entry of the foregoing and reconsideration of the application identified in caption, as amended, pursuant to and consistent with 37 C.F.R. §1.111 and in light of the remarks which follow, are respectfully requested.

By the above amendments, claim 2 has been canceled, and the subject matter thereof has been incorporated into claim 1. In light of the cancellation of claim 2, dependent claims 3, 14 and 15 have been amended to depend from claim 1. Claim 6 has been amended for clarification purposes, and now recites that the modified polyvinyl alcohol comprises a repeating unit comprising a hydrocarbon group of not greater than 9 carbon atoms. Claims 7 and 16 have been amended for readability purposes by correcting the spelling of "VAL" and "retarder," respectively. Claim 19 has been amended for readability purposes by adding the word "are" before "respectively formed."

In the Official Action, claims 6-8 stand rejected under 35 U.S.C. §112, second paragraph, for the reasons set forth at page 2 of the Official Action. As discussed above, claim 6 has been amended to recite that the modified polyvinyl alcohol comprises a repeating unit comprising a hydrocarbon group of not greater than 9 carbon atoms. With regard to the rejection of claim 8, Applicants note that R^1 and R^2 in the HyD-I and HyD-II formulas, respectively, correspond to the "hydrocarbon group of not greater than 9 carbon atoms" recited in claim 7. As such, claims 6-8 comply with the provisions set forth in 35 U.S.C. §112, second paragraph. Accordingly, withdrawal of the above rejection is respectfully requested.

Claims 1-9 and 13-20 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,400,433 (*Arakawa et al*). Withdrawal of this rejection is respectfully requested for at least the following reasons.

Arakawa et al does not disclose each feature recited in each of independent claims 1, 16 and 19, and as such fails to constitute an anticipation of such claims. For example, *Arakawa et al* does not disclose at least two adjacent layers respectively formed of a composition comprising a liquid-crystalline compound, wherein the lower layer of the two layers has an upper surface subjected to a rubbing treatment and the upper layer of the two layers is disposed in contact with the rubbed surface of the lower layer, as recited in claims 1 and 16. Similarly, *Arakawa et al* fails to disclose a process comprising a rubbing step of rubbing an upper surface of the lower layer, and a step of preparing the upper layer in contact with the rubbed surface of the lower layer, as recited in claim 19.

By comparison, *Arakawa et al* discloses a quarter wave plate comprising an optically anisotropic layer A and an optically anisotropic layer B, wherein one of such layers is a layer made from liquid crystal molecules, and the other is a polymer film or a layer made from liquid crystal molecules (see abstract). However, *Arakawa et al* has no disclosure that a lower layer of the two layers has an upper surface subjected to a rubbing treatment and the upper layer of the two layers is disposed in contact with the rubbed surface of the lower layer, as is presently claimed.

Accordingly, for at least the above reasons, withdrawal of the §102(b) rejection based on *Arakawa et al* is respectfully requested.

Claims 1-9, 14, 17, 19 and 20 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,519,016 (*Ichihashi et al*). Withdrawal of this rejection is respectfully requested for at least the following reasons.

Ichihashi et al fails to disclose each feature recited in each of independent claims 1, 16 and 19, and as such fails to constitute an anticipation of such claims. For example, *Ichihashi et al* does not disclose at least two adjacent layers respectively formed of a

composition comprising a liquid-crystalline compound, wherein the lower layer of the two layers has an upper surface subjected to a rubbing treatment and the upper layer of the two layers is disposed in contact with the rubbed surface of the lower layer, as recited in claims 1 and 16. Similarly, *Ichihashi et al* fails to disclose a process comprising a rubbing step of rubbing an upper surface of the lower layer, and a step of preparing the upper layer in contact with the rubbed surface of the lower layer, as recited in claim 19. *Ichihashi et al* simply has no disclosure of such claimed features.

By comparison, *Ichihashi et al* discloses optically anisotropic layers A and B, wherein one of the layers is formed from discotic liquid crystal molecules and the other is formed from rod-like liquid crystal molecules (col. 4, lines 20-23). However, there is no disclosure that the lower layer of the two layers has an upper surface subjected to a rubbing treatment and the upper layer of the two layers is disposed in contact with the rubbed surface of the lower layer, as is presently claimed.

Accordingly, for at least the above reasons, withdrawal of the §102(e) rejection based on *Ichihashi et al* is respectfully requested.

Claims 1-20 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being obvious over claims 1-20 of copending Application No. 10/634,906 (corresponding to U.S. Patent Application Publication No. 2004/0109114). Withdrawal of this rejection is respectfully requested for at least the following reasons.

Applicants submit that the currently pending claims are unobvious over the claims of the '906 application. For example, the claims of the '906 application do not disclose or suggest at least two adjacent layers respectively formed of a composition comprising a liquid-crystalline compound, wherein the lower layer of the two layers has an upper surface

subjected to a rubbing treatment and the upper layer of the two layers is disposed in contact with the rubbed surface of the lower layer, as recited in claims 1 and 16. Similarly, the claims of the '906 application do not disclose or suggest a process comprising a rubbing step of rubbing an upper surface of the lower layer, and a step of preparing the upper layer in contact with the rubbed surface of the lower layer, as recited in claim 19. Accordingly, withdrawal of the obviousness-type double patenting rejection is respectfully requested.

From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order, and such action is earnestly solicited. If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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